

# Bill Votes Custody Of Tapes

## Bill Nullifies Ford-Nixon Document Pact

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A bill giving the federal government permanent custody and control over all of former President Nixon's White House tapes and documents cleared the House and Senate yesterday. Plans are to rush it to the White House so President Ford can't pocket veto it after Congress adjourns Dec. 20 or 21.

The bill wipes out the Sept. 8 agreement between the White House and Nixon, which gave the former President control over the tapes, memoranda and other historical documents. The agreement had aroused angry charges that Nixon would have such close control over the materials that he could thwart or obstruct their use in future criminal trials related to Watergate.

The bill, passed by voice vote in both houses, covers millions of documents of the Nixon presidency plus hundreds of hours of tapes of White House conversations recorded during Nixon's term. It hands them all over to the jurisdiction and custody of the General Services Administration, to be kept in the Washington metropolitan area. They would be "immediately available for use in judicial proceedings either by subpoena or other legal process," according to Rep. John Brademas (D-Ind.), the chief House sponsor, and they might also be made available for public inspection.

The final bill also retains a House provision setting up a national study commission to recommend permanent legislation on rules for handling the documents of all other public officials. The White House as late as yesterday morning was hunting for a member of Congress who would seek to kill this provision but found no takers.

Both Brademas and Sen. Gaylord Nelson (D-Wis.), one of the chief Senate sponsors, said there weren't any assurances that President Ford would sign the bill. In fact, Brademas said, "I had cause for apprehension" that he might pocket veto it if Congress is out of session when the 10-day period for the President to sign or reject expired.

For that reason, the bill was to be rushed to the White House last night. The 10-day period would begin immediately, and with Congress still in session when it expired, a Ford veto would send the bill back to the Hill for a possible override.

The bill doesn't take any direct position on whether tapes and documents legally belong to Nixon; it leaves that up to the courts to decide, if Nixon should choose to bring suit declaring that Congress has deprived him of his property. However, the bill does specify, Nelson said on the floor, that if a court finds that any provision deprives a person of private property rights, appropriation of funds for compensation is authorized.

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A second bill affecting Nixon won partial clearance yesterday, when the Senate gave tentative 80-to-9 approval to an \$8.7 billion appropriations conference report carrying \$200,000 in pensions and staff aid for the former President, in place of the \$850,000 sought by the Ford administration.

The \$200,000 consists of \$100,000 for staff aid on transition expenses, \$55,00 for the first 11 months of Nixon's spe-

cial pension, and \$45,000 for permanent staff for the next six months.

Although the appropriations bill as a whole won final tentative Senate clearance, the Senate has not yet cleared a controversial House amendment by Rep. Marjorie S. Holt (R-Md.) barring government withholding of school-aid funds to enforce desegregation.

It will vote today on a proposed language change by Senate Minority Leader Hugh Scott (R-Pa.) and Majority Leader Mike Mansfield (D-Mont.) that would probably nullify the Holt language. This could produce a fight with the House. Until that issue is resolved, the Nixon money in the appropriations measure can't be released.

The Nixon tapes bill was cleared after both chambers agreed to drop a House provision allowing Congress to appoint a special counsel to represent Congress in any lawsuit arising from the bill.

Sen. Roman L. Hruska (R-Neb.) demanded deletion of the provision, and sponsors said presumably the Attorney General could be relied upon to represent the public interest in such suits.